



## Air or Water Pollution Control Equipment Application

Date \_\_\_\_\_

### Section A

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Facility Address (if different from mailing address) \_\_\_\_\_

Telephone \_\_\_\_\_

Contact Name and Phone \_\_\_\_\_

### Section B

Please describe the nature of the operation conducted at the above location. \_\_\_\_\_

### Section C

1. Describe the process(es) whose emissions or discharges are or will be controlled by the facility. \_\_\_\_\_

2. Please complete the following tables.

#### AIR

Emission Rate (Tons per Year and Pounds per Hour)			Control Efficiency	
Emission	With Facility	Without Facility	Design	Actual Performance
	_____ t/y	_____ t/y		
	_____ lb/hr	_____ lb/hr		
	_____ t/y	_____ t/y		
	_____ lb/hr	_____ lb/hr		
	_____ t/y	_____ t/y		
	_____ lb/hr	_____ lb/hr		
	_____ t/y	_____ t/y		
	_____ lb/hr	_____ lb/hr		
	_____ t/y	_____ t/y		
	_____ lb/hr	_____ lb/hr		



## WATER

Weight Rate of Discharge (Pounds per Day)			Treatment Efficiency		
Contaminant Discharged	With Facility	Without Facility	Design	Actual Performance	Average Daily Flow (mgd)

3. Describe the method or technique used to estimate the rate of emissions or discharges (please attach all calculations). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Give the height of discharge above ground for each air pollutant, where applicable, (i.e., particulate, SO<sub>2</sub>, NO<sub>x</sub>, CO, etc.).

Type _____	_____ Feet	Type _____	_____ Feet
Type _____	_____ Feet	Type _____	_____ Feet

### Section D

1. List the type and description of air or water pollution control facility for which certification is desired. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Provide the maintenance schedule and activity for the facility (i.e., downtime, percent of utilization, etc.). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Describe the ultimate disposition of pollutants or contaminants. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



4. What is the date that the facility was placed (or expected to be placed) in operation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. What is the useful operating life of the facility? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Does (or when completed, will) the facility conform to water and air pollution control requirements or standards? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Please attach a copy of the plans, specifications and drawings of the facility for which certification is desired. Include the cost of the facility and operating cost per month.

## Section E

### Certification

I hereby certify that I have read the contents of the foregoing application and know the contents thereof, and that the same are true and complete to the best of my knowledge, information and belief.

\_\_\_\_\_  
Applicant Signature

## Section F

*For Agency Use Only*

File Number \_\_\_\_\_

Application and supporting data reviewed by \_\_\_\_\_

Recommendation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Mail completed form to:**

**Montana Department of Environmental Quality  
Permitting and Compliance Division  
1520 E Sixth Avenue  
PO Box 200901  
Helena, MT 59620-0901**



## **General Information**

1. Complete a separate application for each facility for which certification is desired.
2. Submit applications to the Department of Environmental Quality (DEQ), Permitting and Compliance Division, PO Box 200901, Helena, MT 59620-0901, with copies to the Department of Revenue (DOR), Business Tax and Valuation Bureau, PO Box 7149, Helena, MT 59604-7149, and to the county commissioners of the county in which the property is located. Please call the Department of Environmental Quality Permitting and Compliance Division, (406) 444-4323, with specific questions regarding air or water pollution control equipment.
3. To be eligible to receive pollution control status for the current tax year, the Department of Environmental Quality must receive the application on or before January 1 of that year.
4. When necessary, attach additional sheets to furnish required information with the corresponding question number(s).
5. Please note on the application when requested information is not applicable to the facility for which the application is made.

## **Section A**

Complete general applicant and facility information, items 1 through 5.

## **Section B**

1. Describe the general nature of the operation conducted at the location or proposed location of the facility.
2. If the facility does not control or is not intended to control wastewater from the entire operation conducted at the facility location, describe the specific process(es) whose wastewater the facility controls (or intended to control).

## **General Instructions**

### **Section C**

1. Describe in detail the specific process(es) whose emissions or discharges the facility, equipment or device is intended to control.
2. List the contaminants that evolve from the unit process and that are discharged into the outdoor environment. The rates of emissions with and without the facility should be given in pounds per hour and tons per year for air pollution control equipment. List water pollution control equipment discharges in pounds per day. Indicate efficiencies for both design and actual performance.
3. Calculations for the method, formula or theory used in estimating rate of emissions must be attached.
4. Give the height of discharge (air only).

### **Section D**

1. Identify the type of air or water pollution control facility, and describe in detail, the specific equipment for which certification is desired, including the name of the manufacturer.
2. Clearly describe the type of maintenance needed or anticipated to keep the facility operating at maximum efficiency. Include estimated hours of downtime and whether effluent continues through these periods.
3. Describe the final disposition of contaminants, air or water, which have been removed, altered, disposed of or stored by the facility.
4. Give the approximate date on which the facility was first placed (or is expected to be placed) in service and effectively operated.

Items 5. through 7. are self-explanatory.

### **Section E**

1. Application certification must be signed.

### **Section F**

Agency review.



## Controlling Statute For Air and Water Pollution Control Equipment

### 15-6-135. Class five property -- description -- taxable percentage.

- (1) Class five property includes:
- (a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);
  - (b) air and water pollution control equipment as defined in this section;
  - (c) new industrial property as defined in this section;
  - (d) any personal or real property used primarily in the production of ethanol-blended gasoline during construction and for the first 3 years of its operation;
  - (e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;
  - (f) machinery and equipment used in electrolytic reduction facilities;
  - (g) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less.
- (2) (a) "Air and water pollution control equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.
- (b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.
- (c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.
- (d) A person may appeal the certification, classification, and valuation of the property to the state tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.
- (3) (a) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.
- (b) New industrial property does not include:
- (i) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions unless the business or profession meets the requirements of subsection (4)(b)(v);
  - (ii) a plant that will create adverse impact on existing state, county, or municipal services; or
  - (iii) property used or employed in an industrial plant that has been in operation in this state for 3 years or longer.
- (4) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.
- (b) New industry includes only those industries that:
- (i) manufacture, mill, mine, produce, process, or fabricate materials;
  - (ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials;
  - (iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;
  - (iv) engage in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of an industry's gross sales or receipts are earned from outside the state; or
  - (v) earn 50% or more of their annual gross income from out-of-state sales.
- (5) Class five property is taxed at 3% of its market value.

History: (1), (2)(a), (3) thru (6)En. Sec. 5, Ch. 693, L. 1979; amd. Sec. 4, Ch. 660, L. 1979; (2)(b)En. Sec. 1, Ch. 659, L. 1979; amd. Sec. 60, Ch. 575, L. 1981; amd. Sec. 36, Ch. 370, L. 1987; amd. Sec. 1, Ch. 519, L. 1987; amd. Sec. 1, Ch. 568, L. 1987; amd. Sec. 3, Ch. 659, L. 1987; amd. Sec. 1, Ch. 694, L. 1991; amd. Sec. 1, Ch. 510, L. 1993; amd. Sec. 39, Ch. 418, L. 1995; amd. Sec. 26, Ch. 51, L. 1999; amd. Sec. 32, Ch. 426, L. 1999; amd. Sec. 2, Ch. 100, L. 2007.



**Administrative Rules for  
Air or Water Pollution Control Application**

**17.80.101 DEFINITIONS**

For the purpose of this subchapter, the following definitions apply, in addition to the definitions contained in 15-6-135, MCA:

- (1) "Apportionment" means the identification of the extent to which multi-purpose property, facilities, machinery, devices or equipment are used for pollution control purposes.
- (2) "DEQ" means the Montana Department of Environmental Quality.
- (3) "DOR" means the Montana Department of Revenue.
- (4) "Substantial compliance" means either full compliance with all applicable rules, laws, orders, or permit conditions, or non-compliance with such requirements, provided that incidents of noncompliance are isolated or casual, do not involve continuous acts or patterns of noncompliance, and do not result in the initiation by DEQ of an administrative or judicial enforcement action. For purposes of this definition, issuance by DEQ of a citation or a notice of violation, without an accompanying compliance or penalty order, does not constitute the initiation of an enforcement action.

(History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)

**17.80.102 APPLICATION FOR CERTIFICATION AS AIR OR WATER POLLUTION EQUIPMENT**

- (1) Applications for certification pursuant to this subchapter must be made on forms prescribed by DEQ. Application forms must be made available by DOR.
- (2) The applicant shall submit an original signed application to DEQ with copies to DOR and the county commissioners of the county in which the property is located. Applications must contain the following information:
  - (a) a detailed description of the air or water pollution equipment and how it functions to control pollution. Design or engineering drawings showing the placement and use of the equipment must be provided;
  - (b) if the equipment is used for purposes other than pollution control, a description of the extent to which the equipment is or will be used for each purpose;
  - (c) itemization of capital and operating costs associated with the equipment, with apportionment of costs to multiple purposes, when applicable;
  - (d) identification of existing or pending air or water quality permits for the equipment, and a description of the applicant's compliance status in regard to rules, laws, orders, and permit conditions applicable to the equipment;
  - (e) certification that the applicant is in substantial compliance with all rules, laws, orders, and permit conditions applicable to the equipment; and
  - (f) certification that the information provided in the application is correct and complete.
- (3) Within 45 days of receipt of an application, DEQ shall determine whether additional information is required to make a certification decision. If DEQ determines that additional information is required, DEQ shall notify the applicant in writing and specify the date by which any additional information must be submitted. If the information is not submitted as required, the application must be considered withdrawn unless the applicant requests in writing, and DEQ approves, an extension of time for submission of the additional information. DEQ may make additional information requests within 45 days after receipt of any required additional information, following the same procedure as the original information request. DEQ shall notify DOR and the appropriate county commissioners of any information requests.
- (4) DEQ shall issue written notice to the applicant of the department's determination that a certification application is complete. DEQ shall make a final decision whether to certify within 120 days after the date it issues the notice the application is complete. DEQ shall provide written notice of its final determination to the applicant, DOR, and the appropriate county commissioners.
- (5) Monetary valuations or costs used by DEQ in the certification process are for purposes of identifying qualifying portions of the equipment, and are not binding on DOR or a county as to market value for tax purposes.

(History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)

**17.80.103 ELIGIBILITY CRITERIA**

- (1) To be certified as air and water pollution equipment, property, facilities, machinery, devices, and equipment must meet the definition of air and water pollution equipment contained in 15-6-135 , MCA.
- (2) As provided in 15-6-135 (2) (a) , MCA, operational techniques that reduce pollutants but do not require the installation or modification of specific facilities, machinery, devices, or equipment are not eligible for certification under this subchapter.
- (3) To the extent that air or water pollution equipment is used for production or any purpose other than pollution control, it is not eligible for certification under this subchapter. Pursuant to the procedures in ARM 17.80.104, DEQ shall apportion the value of multipurpose equipment into that used for production and other purposes and that used for pollution control.
- (4) For certification to be granted, an applicant must be in substantial compliance, on the date of application, with all rules, laws, orders, and permit conditions applicable to the equipment that is the subject of the application. Certification shall remain in effect only for as long as substantial compliance continues. Procedures for compliance inspection are as provided in ARM 17.80.105.
- (5) Examples of equipment or facilities that may, to the extent used for pollution control purposes, qualify for certification include, but are not limited to, the following:



- (a) inertial separators (cyclones, multiclones) ;
  - (b) wet collection devices (scrubbers) ;
  - (c) electrostatic precipitators;
  - (d) cloth filter collectors (baghouses) ;
  - (e) vapor recovery systems;
  - (f) wastewater treatment facilities;
  - (g) plants or equipment that render water safe for discharge;
  - (h) wastewater recycling systems that store or prevent pollutants from reaching the environment;
  - (i) spill control systems;
  - (j) secondary storage pond liners;
  - (k) monitoring wells that are part of a pollution control system.
- (6) Examples of equipment or facilities that generally are not certifiable as air or water pollution equipment include, but are not limited to, the following:
- (a) continuous air emission monitors that function as emission indicators but are not part of an air emission control system;
  - (b) dispersion devices such as stacks, chimneys, or vents;
  - (c) non-wastewater treatment facilities;
  - (d) stack sampling equipment, platforms, access. facilities, stack extensions, portable monitoring equipment, or any other type of measuring device that is not part of a pollution control system;
  - (e) fuel changes except to the extent they are used for pollution control and require the installation or modification of specific facilities, machinery, devices, or equipment; and
  - (f) energy conservation measures, except to the extent they are used for pollution control and require the installation or modification of specific facilities, machinery, devices, or equipment.
- (History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)

#### **17.80.104 APPORTIONMENT PROCEDURES**

- (1) When air or water pollution equipment is used for production or any other purpose in addition to pollution control, DEQ shall conduct an apportionment so that the certified portion of the multi-purpose equipment reflects the extent to which it is used for pollution control purposes.
  - (2) The applicant shall provide DEQ with all information necessary to conduct an apportionment under this rule. DEQ shall conduct the apportionment based upon the specific facts and circumstances of each case. Methods for apportionment include, but are not limited to, the following:
    - (a) determination of the difference in value between equipment with integrated pollution controls and similar equipment without pollution controls. An example is a fluidized bed boiler with limestone injection for air emission control. The value of the fluidized bed boiler would be compared with the value of a similarly-sized conventional boiler, and the difference would be certified as the air pollution equipment value;
    - (b) determination of the difference in value between a facility designed for multiple purposes and a facility designed for pollution control only. The difference would be denied certification;
    - (c) distinguishing between equipment in a facility or process that removes pollutants and equipment that is used for production or other purposes;
    - (d) any other method based on specific facts and circumstances that achieves a fair and reasonable apportionment of pollution control and other uses.
- (History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)

#### **17.80.105 COMPLIANCE**

- (1) DEQ shall conduct periodic inspections of certified pollution control equipment for the purpose of determining whether the applicant is in substantial compliance with all applicable rules, laws, orders, and permit conditions. These inspections may be part of any required air or water quality inspection.
- (2) DEQ shall provide written notice of its determination of a failure of substantial compliance to the applicant, the DOR, and the appropriate county commissioners. In the event that substantial compliance is restored, the applicant must provide DEQ with written notice, and DEQ shall conduct an inspection and report its compliance determination to the applicant, the DOR, and the appropriate county commissioners within a reasonable time thereafter.
- (3) DEQ must submit certification and compliance determinations to DOR no later than February 1 of the year following the year for which tax adjustments are sought.

(History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)

#### **17.80.106 INFORMAL CONFERENCE**

- (1) DEQ shall provide an applicant with an opportunity for an informal conference for reconsideration of a department determination regarding certification or noncompliance. The applicant must request an informal conference in writing within 10 days after receiving a notice of certification or noncompliance.

(History: 15-6-135 , MCA; IMP , 15-6-135 , MCA; NEW , 1995 MAR p. 110, Eff. 1/27/95; TRANS , from DHES, 1996 MAR p. 2285.)